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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
Revision of Part 22 of the)
Commission's Rules Governing)
the Public Mobile Services)

CC Docket No. 92-115

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

COMMENTS OF McCaw CELLULAR COMMUNICATIONS, INC.

McCaw Cellular Communications, Inc. ("McCaw"), by its attorneys, hereby submits its comments with respect to the Further Notice of Proposed Rulemaking in the above-captioned proceeding.¹ McCaw has actively participated in the Commission's efforts to revise and streamline Part 22 of the Rules, and submitted comments in response to the initial Notice of Proposed Rulemaking in this docket.²

The latest Part 22 revisions set out in the Further Notice "are intended to eliminate unnecessary information collection requirements, streamline licensing procedures, reduce the processing and review burden on the Commission's staff, and ensure that licensees in the public mobile services are fully qualified to provide service to the public as expeditiously as possible."³ McCaw supports the

¹ Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, FCC 94-102 (May 20, 1994) ("Further Notice").

² Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, 7 FCC Rcd 3658 (1992) ("Notice").

³ Further Notice ¶ 1.

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cellular-related proposals set out in the Further Notice, as detailed below, and has suggested a few refinements to the proposed rules. With the adoption of such proposals and the suggestions offered below by McCaw, Commission action in this docket should be able to achieve the commendable goals outlined above.

I. SERVICE AREA BOUNDARY EXTENSIONS

The Commission proposes "to require licensees notifying the Commission of minor modifications to their systems on FCC Form 489, which include SAB [service area boundary] extensions into the adjacent market, to specify whether the 5 year fill-in period for the market has expired and, if so, to state that the SAB extension does not cover any unserved area."⁴ This proposal is fully acceptable to McCaw. Indeed, in order to ease the administrative burden on the Commission's staff, McCaw already has begun to provide such information in its applications. Adoption of this proposal clearly will enable the staff to perform their review functions more efficiently and expeditiously.

⁴ Id. ¶ 5.

II. MAP SCALE

The Further Notice proposes "to revise the scale of . . . maps [required by Section 22.926 of the Commission's Rules] to 1:500,000."⁵ McCaw agrees with the Commission's assessment that reducing the map size as proposed will reduce costs and save space (both for the Commission and licensees) without significantly lessening the ability of interested parties and other members of the public to read the map.

McCaw requests the Commission to clarify that, in conjunction with the proposed elimination of licensing for inner cell sites, it intends that only the contours of border cells would be depicted on the map. Under this scheme, when an application proposing the addition or modification of a border cell site is filed, the applicant would depict the complete contour as calculated under Section 22.903(a) of the Commission's Rules⁶ for the cell site(s) being modified or added, and only the outside contours of other border cells. This requested clarification is consistent with the Commission's existing map filing requirements.

In converting to the new map scale, the Commission should not require cellular licensees immediately to prepare and file new maps for all markets. This would be a

⁵ Id. ¶ 6.

⁶ 47 C.F.R. § 22.903(a) (1993).

burdensome task for cellular operators as well as the Commission staff. Instead, carriers should be given the option of beginning to use the 1:500,000 scale map immediately or by no later than the deadline for submitting external cell site information for a system as proposed in paragraphs 7 and 9 of the Further Notice. This transition process would permit an orderly progression from the current rules to the amended requirements.

III. ELIMINATION OF LICENSING FOR INNER CELL SITES

The Notice in this proceeding proposed "to allow cellular licensees to make minor changes to their facilities and to add transmitters within the contours of authorized stations without seeking prior approval or notifying the Commission of such changes."⁷ The Further Notice reflects the Commission's intent, under that proposal, to eliminate the listing of internal cell sites on authorizations.⁸ In order to maintain accurate, current information on the external cell sites constituting a carrier's cellular geographic service area ("CGSA"), the Commission proposes a one time filing by all licensees.⁹ The information, to be

⁷ Further Notice ¶ 7 (citing Notice, 7 FCC Rcd at 3660-61, 3694-95).

⁸ Id.

⁹ Id.

provided at periodic intervals in ascending market order, for each external cell site would include: geographic coordinates; cell site location description as required in item 27 of Form 401 Schedule B; Form 401 Table MOB 2; and Form 401 Table MOB 3.¹⁰

In its comments on the Notice, McCaw strongly endorsed the proposal to eliminate the licensing or prior notification of internal cell sites,¹¹ and continues to support adoption of this plan. McCaw estimates that this rule revision would reduce the number of applications filed by 50 to 60 percent company-wide and by 70 to 80 percent in markets that have passed their five-year dates. In addition, it should free valuable Commission resources to handle the influx of new filings generated by the licensing of PCS. Finally, it will create greater parity between cellular operators and PCS providers, which currently are not required to file notifications or applications regarding their facilities.

It is, as the Commission has proposed, essential that carriers continue to file information about their external cell sites and that the Commission maintain up-to-date records reflecting this data. Interference from adjacent systems typically is traced to border cells because of their

¹⁰ Id. ¶¶ 7, 9.

¹¹ Comments of McCaw Cellular Communications, Inc., CC Docket No. 92-115, at 32-35 (filed Oct. 5, 1992).

proximity to adjacent markets.¹² In addition, information about external cell sites is needed by nearby carriers in order to plan for intersystem handoff and roaming between markets.

McCaw urges the Commission to consider requiring the submission of the one time external cell site filing in reverse order from that proposed in the Further Notice -- by starting with the smallest markets first and then progressing to larger markets. Most large markets have passed their five-year dates and consequently can make very few change to their border cells. In addition, the licensees in these markets have already submitted system information update ("SIU") maps that show their composite service area boundaries constituting the CGSA, and this information is readily available to the public.

In contrast, smaller markets, particularly those that have not yet reached their five-year dates, are more likely to be making changes to the borders of their systems and to be preparing SIU maps. By requiring external cell information and reduced scale maps from these markets first,

¹² The Commission should reiterate that the elimination of internal cell site notification requirements does not in any way affect the obligation of cellular licensees to undertake frequency coordination with markets within 75 miles of their CGSA before implementing any changes to their systems. See 47 C.F.R. § 22.902(d) (1993). Retaining the frequency coordination obligation assists carriers in helping to identify the source of harmful interference.

the new rules would be most quickly implemented in those markets with the greatest amount of border cell filing activity.

IV. SYSTEM INFORMATION UPDATES

The Commission proposes a number of changes to its SIU filing rules, which include:

- The scale of the full size map would be 1:500,000.
- The maps would show only the exterior cell sites and their respective service area boundaries that make up the CGSA.
- The filing would include an exhibit providing the coordinates for each exterior cell site and the information currently required in Form 401 MOB Table 3.
- The frequency utilization plan or chart filing requirement would be eliminated.
- All submitted information would be labelled with the number of the relevant market.¹³

McCaw supports adoption of all of these changes. They will simplify the filing requirements while increasing the usefulness of the information provided as part of the SIU submission. McCaw requests only that the Commission phase in the change in scale of the map in accordance with the deadlines set for the submission of border cell information. This would establish a consistent date for conversion to the

¹³ Further Notice ¶ 10.

new map scale in each market, and thus ease the burden on carriers and staff in complying with the new rules.

V. ELECTRONIC SERIAL NUMBER CLONING

McCaw also would like to reiterate its concerns about prompt Commission action to restate the limitations on the manipulation of cellular phone electronic serial numbers ("ESNs"). McCaw and other cellular licensees have pointed out to the Commission on a number of occasions the serious fraud problems resulting from the creation of "cellular extension phones" by means of a device that somehow permits the override of a cellular phone's installed ESN with the ESN of another cellular telephone. Despite Commission statements that this activity violates existing rules,¹⁴ this technique continues to be a serious source of fraudulent use of cellular networks.

McCaw accordingly urges the Commission to take prompt steps to clarify the illegal nature of this activity, and to provide the tools necessary to enforce the prohibition. The Notice in this proceeding proposed a rule (proposed section 22.919) designed to help reduce fraudulent usage of cellular phones.¹⁵ This rule, as modified to make clear that the

¹⁴ See Letter from John Cimko, Chief, Mobile Services Division, to Cellular Telecommunications Industry Association (Jan. 15, 1993).

¹⁵ Notice, 7 FCC Rcd, App. A at 3673.

prohibitions extend to the alteration of the phone software or hardware in any manner whatsoever that would modify the transmission of the cellular phone's ESN, should be promptly adopted.

VI. CONCLUSION

Adoption of the proposals outlined in the Further Notice, as modified consistent with McCaw's suggestions above, will assist the Commission in its effort to "eliminate unnecessary information collection requirements, streamline licensing procedures, [and] reduce the processing and review burden on the Commission's staff."¹⁶ As such, the requested action will further the public interest.

Respectfully submitted,

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